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Ray closer to trial for King slaying

Judge sends decision on whether to test rifle to appeals court

By Jerry Thomas
TRIBUNE STAFF WRITER

MEMPHIS—After emotional pleas from the widow and son of slain civil rights leader Rev. Martin Luther King Jr., a judge, Thursday left the door open for King's convicted killer, James Earl Ray, to pursue the jury trial he waived nearly 30 years ago.

Judge Joseph Brown Jr. agreed with Ray's London attorney, William Pepper, that the defense should be allowed to run updated scientific tests on Ray's high-powered rifle, which authorities say he used to fire the bullet that murdered the civil rights leader on April 4, 1968.

But Brown left the final decision to the state's appeals court in Jackson.

Three members of the nine-member appeals panel will decide whether the gun should be scrutinized with a scanning electron microscope, which is many times more powerful than the equipment originally used by the FBI to test the weapon.

If the appeals court, which blocked testing of the rifle three years ago, agrees with Brown and

the state doesn't appeal, the case will be returned to Brown's court. Depending on the test findings, he can then rule on whether Ray, who is dying of liver disease, can get a trial.

The weapon is the only physical evidence that links Ray to the assassination. Ballistic tests conducted by the FBI in 1968 and a decade later during a congressional hearing did not prove conclusively that the fatal bullet came from the Ray's rifle.

Ray and Pepper believe the new test using better equipment would prove that the rifle did not fire the bullet.

Ray pleaded guilty to the slaying but soon recanted and has been seeking a jury trial to argue his innocence ever since.

"All I'm trying to say is there appears to be scientific methodology that has a reasonable likelihood or is capable, let's put it that way, of resolving this issue," Brown said.

Before the judge issued his decision, Coretta Scott King and her youngest son, Dexter, took the witness stand to support the bid for a trial.

"We call for the trial that never happened and to bring about at least some sense of closure to the

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pain we have endured as a family over unanswered questions surrounding this tragedy," Mrs. King said.

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Repeating the famous words of his father that "injustice anywhere is a threat to justice everywhere," Dexter Scott King urged the courts to grant Ray a trial.

"Politics asks the question: Is it expedient? Vanity asks: Is it popular? But conscience asks the question: Is it right? And I believe today, your honor, that it is right for the sake of truth and justice that there be a trial."

Shortly after Mrs. King and her son took a seat in the first row, Ray's brother, Jerry, left his seat in the back of the courtroom to sit in the row behind them.

Jerry Ray made the first move, touching the younger King on the shoulder. Dexter King exchanged a smile and they engaged in a brief conversation.

"I thanked them for their support, and I told them I and James always felt awkward mentioning their names with all the pain and suffering they went through," Jerry Ray said.

Dexter King said he asked Jerry Ray, "How is your brother doing?"

The younger King said the family has submitted a proposal to the state Department of Corrections to meet with Ray.

Ray, 68, was unable to attend the hearing because of his health. He has been diagnosed with cirrhosis of the liver, which family members say was caused by hepatitis.

When he is in good health, Ray is detained inside a modern dormitory at the DeBarry Special Needs Facility. On days when he is weak and near

murder and then go into hiding abroad.

Reaction to the hearing's outcome was divided, with several principals uncertain of what it will ultimately mean for Ray's quest for a new trial.

"This is a new ground," said Shelby County District Atty. John Campbell during a press conference outside the courtroom immediately after the hearing. "I just have never seen anything like this before. The judge has basically decided not to decide."

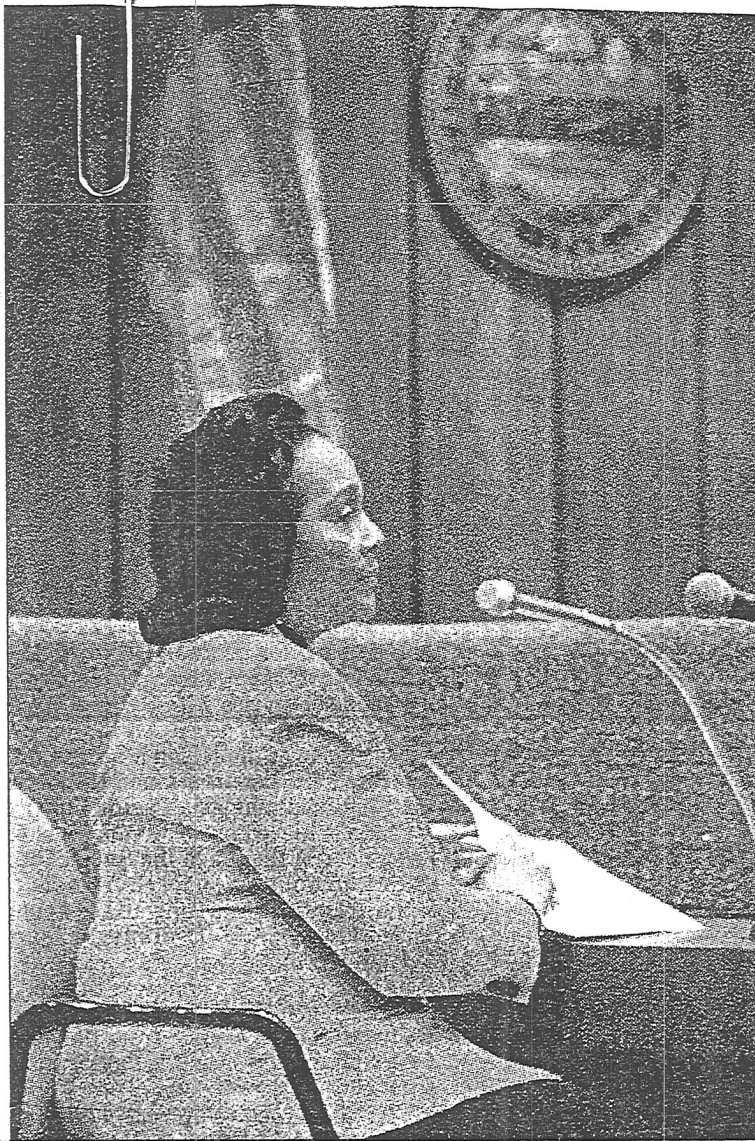
Some said the appeals court may stall the case, hoping Ray will be dead before they make a decision. Ray, Pepper said, has to be alive in order for the case to go to trial.

"To me, it is a death sentence being done," said Jerry Ray, who was disappointed by the decision to pass it to a higher court.

Pepper and civil rights leaders who are working closely with him were more optimistic, hoping that the new technology and the appeal by the Kings will encourage the appeals court to render a favorable decision soon.

"We met the burden of proof. We have the right to test the weapon," said Pepper at a news conference after the hearing.

On Friday, Ray will be interviewed on the Montel Williams Show, his first interview since it was announced in December that he is dying.

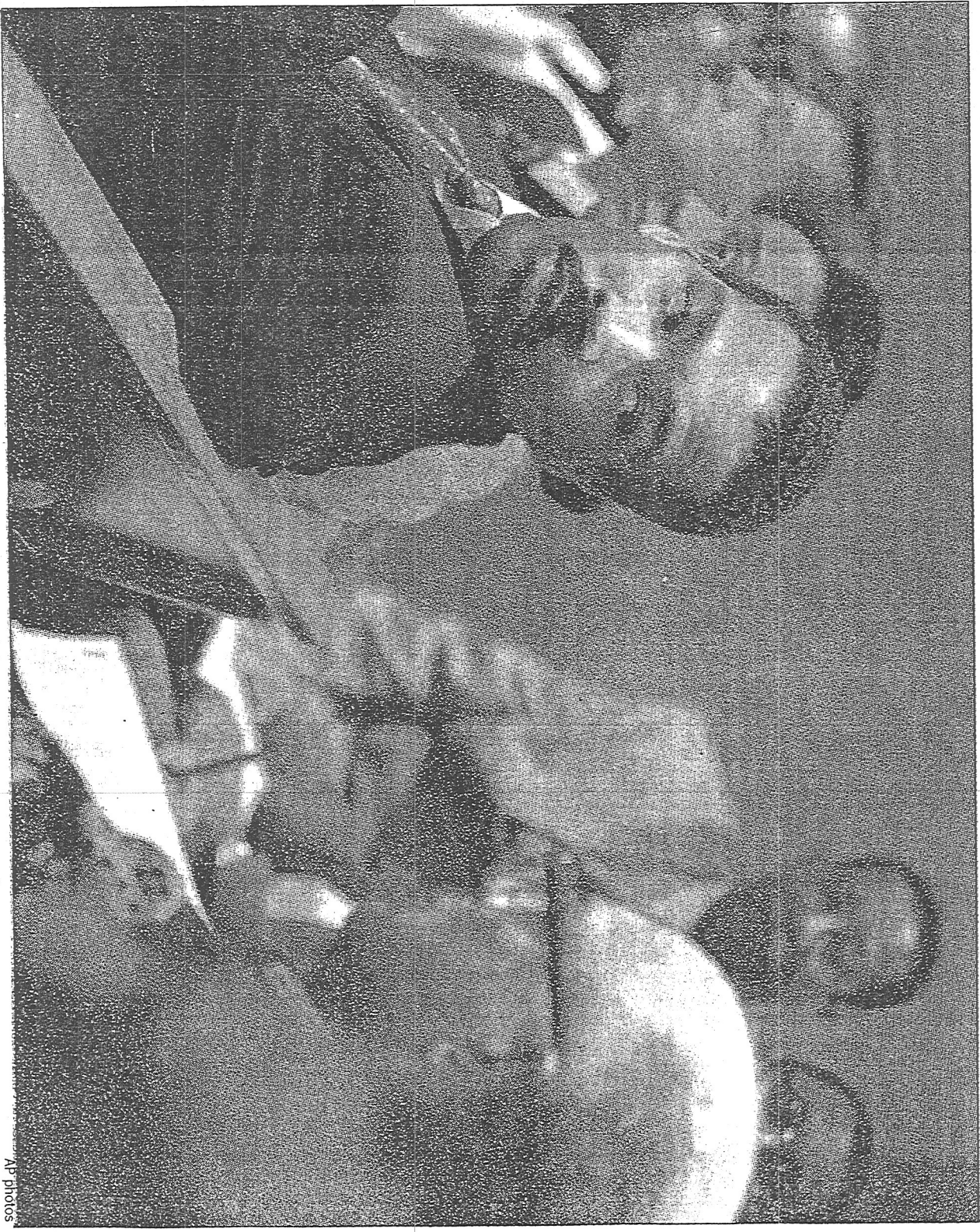


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Coretta Scott King, who took the witness stand Thursday to plead for the state to grant James Earl Ray a trial

The King family's emotional plea

His widow and son want new tests on the rifle James Earl Ray allegedly used to kill Dr. Martin Luther King Jr. Despite Thursday's ruling, there are obstacles, and Ray has little time to live.



AP photos

Dexter King and Jerry Ray, who are trying to win a jury trial for James Earl Ray in the slaying of Dr. Martin Luther King Jr., talk

Thursday. "I told them I and James always felt awkward, . . . with all the pain and suffering they went through," Jerry Ray said.